X

ENGLISH INSTITUTIONS AND THE AMERICAN INDIAN

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History is past Politics and Politics present History.—*Freeman*

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X

ENGLISH INSTITUTIONS AND THE AMERICAN INDIAN

BY JAMES ALTON JAMES, Ph. D. (J. H. U.)

Professor of History, Cornell College, Iowa

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ENGLISH INSTITUTIONS AND THE AMERICAN INDIAN.

INTRODUCTION.[1]

The Indian Department of our government, in nearly all its varied changes, finds a more or less developed prototype in one or more of the original colonies. There is to be found in the factory system, laws of trade, provisions for the acquisition of lands, annuities, presents, superintendents, and Indian Agents of the United States, a very considerable part of early colonial legislation.

The Indian has long been a subject for discussion. The literature on the "Indian Problem" has a bulk unsurpassed by that relating to any other social topic except, perhaps, Slavery. Writers who have chosen this theme may be placed in two general groups: the one criticises any attempt to ameliorate the condition of the Indian through any governmental intervention; the other group sees only a series of wrongs from the first landing of the white man,—the Indian dispossessed of his birthright, enslaved and degraded.

It is not my purpose to be an historical critic farther than to note the growth of institutions largely set forth in the various colonial records and colonial legislative enactments. I have not attempted a complete exposition for every colony,

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[1] I am under obligations to Professor Herbert B. Adams, of Johns Hopkins University, and to Professor Frederick J. Turner, of the University of Wisconsin, for their kindly suggestions.

but have chosen Massachusetts, New York and Virginia as types, noting any important changes or variations which may have occurred in the other colonies. While dealing with English institutions, I have referred to the Spanish and the French policies. By such a comparison, common institutions become more significant and differences are more notable.

Distribution of Indians in the Colonies.

The Indian, when seen by the first European, had made but little advance beyond the hunting and fishing stage. Tribal right to any particular region over which the tribe roamed,[1] to territory whereon rude cabins were erected, cannot be said to have been founded on any stronger basis than the right of present occupancy.[2] Inheritance obtained in a few instances, but conquest ordinarily accounted for possession.

The vast territory east of the Mississippi river[3] and between the Carolinas and Hudson's Bay was divided between the two great "families of tribes": the Algonquins and the Iroquois.[4] The earliest territory of the Iroquois family group[5] was almost wholly confined to the present limits of the State of New York.[6] Almost completely surrounding the Iroquois were the Algonquins. They occupied New England, nearly all of the Northwest territory, and parts of Pennsylvania, Virginia and New Jersey. Canada, New Brunswick and Nova Scotia were also in the possession of tribes speaking an Algonquin dialect.[7] There were a few

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[1] Gallatin, Indian Languages, 150.

[2] See Colden Papers, N. Y. Hist. Soc'y Coll., 1877.

[3] See map in Gallatin, Indian Languages, 1, for location of Indian tribes in 1600.

[4] Parkman, Pioneers of France, 309.

[5] Jefferson's Virginia, 156.

[6] Charlevoix, (Shea) II., 188.

[7] Parkman, Jesuits in North America, Introduction, xx.

representatives of the Dakota race, Winnebagoes, who had seemingly wandered across the Mississippi river, and at the beginning of the seventeenth century were found on the shores of Lake Michigan.[1]

It is difficult to place in one class the Indians south of a line run westward from Cape Fear. The Cherokees and their near allies would doubtless have embraced the greatest number of these tribes. In general, the Cherokees proper lived among the mountains and occupied portions of the present States of Tennessee, Alabama, Georgia, and the Carolinas.[2]

South of this territory was that of the Creeks. The Chickasaws and Choctaws were located farther west, on the Mississippi river.[3]

The classification into the tribes noted has arisen from the well-marked distinctions between Indian languages.

The Iroquois.

The Iroquois,[4] the Indian of Indians, "the thorough savage, yet a finished and undeveloped savage," occupy a unique position in the history of the struggle for the mastery between the rival powers of France and England in the New World. During the seventeenth and eighteenth centuries the confederated Five Nations[5] held the balance of power between these two contestants. No threats, promises or acts of diplomacy on the part of the French ever fully broke the chain which bound the Iroquois to the English. Indeed, but for this deadly hostility of the Iroquois to the

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[1] Parkman, Jesuits in North America, Introduction, xx.

[2] For Southwestern Indians, see Adair, American Indians.

[3] For Southern Indians east of the Mississippi river, see Gallatin, Indian Languages, 83, 84.

[4] For the Iroquois Confederacy, see L. H. Morgan's original work on the subject, and Fiske, Discovery of America, I., 75.

[5] Joined by Tuscaroras in 1715. This tribe was expelled from North Carolina.

French, New York might have been secured to Louis XIV.[1] In this case the whole current of American history would doubtless be different and federal union be unknown. "To this Indian league France must chiefly ascribe the final overthrow of her magnificent schemes of colonization in the northern part of America."[2] The Iroquois alliance with the English forms the chief fact in American history down to the year 1763. From it also arose indirectly many vexed questions, which were settled on the part of the government of the United States only after much diplomatic action and bloodshed. Why was their fealty[3] ever sworn to the English? By what steps did they become the "Scourge of God upon the aborigines of the continent"?[4]

At the time of the first French and English settlements the Iroquois were rapidly becoming the terror of the whole country. Outlying isolated tribes were falling rapidly under their powerful onset or were being scattered in all directions.[5] Says General Walker: "It will not do to say that but for the Iroquois the settlement of the country by the whites would not have taken place; yet assuredly that settlement would have been longer delayed, and have been finally accomplished with far greater expense of blood and treasure, had not the Six Nations, not knowing what they did, gone before in savage blindness and fury, destroying or driving out tribe after tribe, which with them might for more than one generation at least have stayed the western course of European invasion."[6]

John Smith met some of the Iroquois in canoes at the mouth of the Susquehanna river in the year 1608. They were then on the way to attack their enemies.[7] The Dela-

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[1] Fiske, Discovery of America, II., 530.

[2] Morgan, League of the Iroquois, 11.

[3] N. Y. Doc. Hist., I., 99.

[4] Walker, Indian Question, N. A. Review, April 1873, 370.

[5] Gallatin, Indian Languages, 75.

[6] N. A. Review, April 1873, 370.

[7] Jefferson, Virginia, 350.

wares were defeated somewhat later and compelled to put themselves under the protection of the Iroquois.[1] Henceforth the Delawares, Lenni Lenappes, were known as "women." They were not to make war, but spend their time in gaining "subsistence for their families."

In the year 1609 the Iroquois proceeded against their Algonquin enemies who were allied with the Hurons. The Hurons were kindred of the Iroquois. That they were defeated and for a number of years remained in quietude may be accounted for by the fact of the presence of the French, armed with firearms,[2] under the leadership of Champlain.

After the recoil of the Iroquois from the arquebuses of Champlain, these Indians regard the "gun as a devil." They saw in this weapon the superiority of their enemies, and were willing to make any sacrifice to obtain it. Free traders from Holland traded a few guns to the Mohawks.[3] Four hundred warriors were later supplied with arms.[4] Now began those raids which led to absolute supremacy over all the other tribes east of the Mississippi. In 1649 the Iroquois overwhelmed the Hurons[5] and put the Jesuit missionaries to death. Before the year 1670 the Iroquois were victors over the Adirondacks of Canada and had also taken possession of the territory between lakes Huron, Erie and Ontario, land extending nearly to Montreal.[6] "No distant solitude," says Morgan, "or rugged fastness was too obscure or difficult to escape their visitation; no enterprise was too perilous, no fatigue too great for their courage and endurance."[7]

The Iroquois claimed by right of conquest the territory reaching from Lake Superior to the Tennessee river and

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[1] Jefferson, Virginia, 352.
[2] Charlevoix, Shea, III., 45.
[3] N. Y. Doc. Hist., IV., 5.
[4] Charlevoix, Shea, II., 138.
[5] N. Y. Col. Doc's, VI., 908.
[6] Morgan, League of the Iroquois, 12.
[7] Morgan, League of the Iroquois, 13.

from the mountains to the Mississippi.[1] At various places throughout their territory they founded colonies in order that they might maintain possession and exact tribute. The power of this confederacy, then, as a bulwark against the advance of the French may be easily comprehended.[2]

It remains to trace the Indian policies of the French and the English as largely developed through the attempts of these peoples to gain supremacy over the then powerful Iroquois.

The French Policy.

With reference to the general policy of the French, Governor Lewis Cass said: "There is a peculiar elasticity in French character. The Frenchman accommodates himself to any situation in which he may be placed. Upon the Seine and upon the St. Lawrence, if not equally pleased he is equally pleasant, and during two centuries, in the depths of the American forests, he has associated with their rude tenants, and as he could not elevate them to his own standard he has descended to theirs."[3]

The French always sought to hold the balance of power between adverse tribes. They desired to be the chief influence in Indian councils,[4] and tried to envelop in the network of French power the most remote hordes. French principles grew out of actual relations with the tribes. Officers who administered the affairs saw the necessities of the situation and acted in accordance. The methods adopted were many of them similar to those by which Spain gained supremacy in the South. In turn the English finally sought to adhere to the means of diplomacy which had been used by the French.[5] The advance of Champlain in 1609[6] was in a sense the prototype of the future advancement of the nation he represented.

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[1] Doc. Hist. N. Y., I., 66.
[2] N. Y. Col. Doc's, IV., 478.
[3] N. A. Review, Vol. 24, 368.
[4] Penn. Archives, VI., 8.
[5] N. Y. Col. Doc's, IV., 208.
[6] Parkman, Pioneers of France, 337.

Previous to 1620 large numbers of French, singly or in parties, accompanied by savage bands, had penetrated the depths of the wilderness. They went as adventurers and traders[1] and rarely did they meet with a mishap. Their welcome was more certain in that many became through marriage members of a tribe.[2] The French government recommended intermarriage. When the French, by adoption,[3] became members of a tribe their advice had great weight in the council. They treated the Indians with that firmness and tact which was very different from the coldness of the English. The French humored them even while inspiring them with wholesome terror. Savage insolence was repressed through an outward giving of contempt for contempt.[4] Martial law obtained in the trial of criminals, and this summary justice was feared and respected by the Indians.

Quite different was English procedure. The Indian on trial for the murder of an Englishman was surrounded by all the safeguards of the English criminal law. Such "conscientious clemency" the Indians early despised as weakness.

The French never professed to plant colonies in America on an agricultural basis. Strategic points were seized. To these outlying posts the Indians were attracted through trade and held by religious conversion.[5] No negotiations were made for the national occupancy of land. Thus was the most fruitful source of disagreement avoided. From a treaty of the year 1666[6] we glean these distinguishing points: French families were to settle in the Huron country; suitable lots were granted in which cabins were to be erected;

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[1] N. Y. Col. Doc's, IV., 207. [2] N. Y. Col. Doc's, V., 628.

[3] Winsor, Narr. and Crit. Hist., V., 4.

[4] Charlevoix, Shea, New France, II., 27.

[5] For Jesuit influence see Parkman, Jesuits in N. A., 48, 160; Parkman, Frontenac and New France, 374; Halkett, North Am. Indians, "Jesuits."

[6] N. Y. Col. Doc's, III., 124.

hunting and fishing were to be in common; Indian protection should be extended to the French.

A generous supply of goods to meet the wants of the natives did not fail to win their good will or command their services. "The relations thus established between the French and the natives continued down till even after the extinction of the territorial claims of France."[1]

General English Policy.

In the article previously referred to Governor Cass says: "If any restraints were imposed by the British authorities before our Revolution upon the Indian traders, either in relation to their general conduct or the price of their goods, such restraints have escaped our investigation. . . . There was no attempt to provide a permanent residence for the Indians. There were no schools and no efforts to introduce agriculture or the mechanic arts. There were no annuities and no regulations to direct the conduct of the traders."

While the general policy of the English is vulnerable at diverse points, the sweeping criticism of Governor Cass, a reflection of the thought of his time, carries wide of the truth.

In the earliest dealings with the Indians the original colonial policy of the English was, it is true, quite different from that of the French. The precedent of the Anglo-Saxon race forbade that ready admixture with the natives which was characteristic of the French, and also the strong bond between the Indians and the Spaniards.[2] The English did not come for a transient trading expedition, but to found agricultural communities.[3] These formed a background for the protection of the colonies as they reached out into

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[1] Winsor, Narrative and Critical Hist. of America, IV., 297.

[2] There were a few intermarriages between the English and the Indians in New England. See Weeden, Economic History of New Eng., I., 403.

[3] Duke of Yorke's Book of Laws for Penn., 1676, 413. N. Y. Col. Doc's, IV., 207.

the wilderness, establishing settlements or carrying on their traffic with the natives.

In considering the English relations it must be noted that the independent position of the colonies rendered them more liable to transgress than had they been under one ruler.[1]

English Land Tenure.

No relationship between the early colonists and the natives has been more productive of discord than the tenure of land. Especially was this true among the isolated colonies. From the first, the English assumed the right of ownership based on the laws of nations. The Indians were granted the right of occupancy. Purchase or conquest was necessary in obtaining the *dominium utile*. Later, the Indians came to be regarded as foreign nations, allies of the King.[2]

One article of the treaty of alliance usually put the lands occupied by the tribe under the protection of the crown.[3] When the colonists came to make a bargain, the tribes were unable to define the limits of their land. Some of the tribes claimed all of the land within the bounds of another tribe, or held as theirs large tracts claimed by other tribes. Two purchases were necessary or war was inevitable. The Indian cared only for the game on his land. Price was unknown to him until the whites made purchases. Mr. Weeden states[4] that the transfer of land from native owners to the white settlers was fairly done in New England. "We forget," he says, "that the value of every soil is in the atmosphere of intelligence, industry and virtue diffused over it by resolute and enduring citizens." It is to be remembered that the New England Indians had been reduced by the Iro-

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[1] Parkman, New France under Louis XIV., 394.

[2] N. Y. Col. Doc's, VI., 541.

[3] N. Y. Col. Doc's, VII., 541.

[4] See Weeden, Economic Hist. New England, I., II.

quois[1] and did not at first impede the possession of the English. The colonists who settled at Plymouth "found divers cornfields and little running brooks, a place . . . fit for situation,"[2] and settled on the Indian clearings.

Purchase of land from the Indians, without license from the General Court, was prohibited by the early legislature of Massachusetts, and the natives were to have the right to any lands possessed and improved by themselves.[3] Governor Winslow, of Plymouth, in his report to the Federal Commissioners in 1676, confirms the statement that there was an attempt at justice on the part of the colonists in their early relations with the Indians as regards land purchases. What he says of Plymouth seems to have been equally true of the other English colonies. "I think I can clearly say that before these present troubles broke out the English did not possess one foot of land in this colony but what was fairly obtained by honest purchase of the Indian proprietors. Nay, because some of our people are of a covetous disposition, and the Indians are in their straits easily prevailed with to part with their lands, we first made a law that none should purchase or receive of gift any land of the Indians without the knowledge and allowance of our Court. . . . And if at any time they have brought complaints before us, they have had justice impartial and speedy, so that our own people have frequently complained that we erred on the other hand in showing them overmuch favor."

The East Hampton Book of Laws for the New York colony provided that no purchase of lands from the Indians after the year 1664 should be valid unless the sachem of the tribe was brought by the purchaser before the Governor. After satisfaction was rendered the chief, the lands were recorded in the colonial office.[4]

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[1] Parkman, Jesuits in N. A., 21.

[2] Bradford, Plymouth Plantation.

[3] Winthrop, Hist. of New Eng., I., 116.

[4] N. Y. Hist. Soc'y Coll's, S. 1, Vol. I., 354.

One of the transfers of 1683 may be noted as typical. The conveyance consisted of lands owned by the Cayugas and Onondagas, situated on the Susquehanna river and including their right to the river itself. They were to receive in return "a half piece of Duffels, Two Blankets, Two Guns, Three Kettles, Four Coats, Fifty lbs. of Lead, and five and twenty lbs. of powder."[1]

Governor Burnet in 1721 sent the following order to his agent: "When you have Pitch'd upon a convenient place for a Trading House you are to endeavor to purchase a Tract of Land in the King's Name and to agree with the Sinnekes for it which shall be paid by the Publick."[2]

The policy instituted by Penn[3] seems to have been followed by the colony of Pennsylvania throughout its subsequent history. All differences were to be settled by a tribunal wherein both parties should be represented.[4] No lands were to be sold any private persons by the Indians. Nor was any purchase valid except that made by Penn or his commissioners.[5] Any one who refused to submit to such ruling not only lost the land he bought, but was subject to a fine of ten shillings for every hundred acres so purchased.[6]

As previously noted, the Delawares were subdued before Penn's coming, and would doubtless have graciously submitted to a code less just. Such was the strictness of the rulings in behalf of justice towards this almost vanquished tribe, that hunters on Indian lands not purchased by the proprietors were fined fifty pounds or were imprisoned twelve months.[7] For every offense against the law regarding the survey of unpurchased lands there was a penalty of

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[1] Doc. Hist. N. Y., I., 261.
[2] N. Y. Col. Doc's, V., 642.
[3] Penna. Col. Records, III., 288.
[4] Quoted in Hazard's Annals Penna., I., 519.
[5] Penna. Col. Records, III., 344.
[6] Duke of York's Book of Laws for Penna., 1676, 143, 209.
[7] Laws of Penna., 1722, 273.

five hundred pounds and twelve months imprisonment without bail.[1]

A proclamation by the Governor of Virginia in 1609 sets forth the expectant policy of the English: "Wee purpose to proclaime and make it known to them all, by some publike interpretation that our comming thither is to plant ourselves in their countrie; yet not to supplant and roote them out but to bring them from their base condition to a farre better."[2]

An act passed in the year 1705 provided that no person should under any pretext take possession of land held by the Indians. Any one convicted of such a charge was to pay ten shillings for every acre of land so occupied.[3] Jefferson believed, after a careful examination of the records, that the greater part of Virginia had been acquired by "purchases made in the most unexceptionable form."[4]

The statement made by Chancellor Kent with regard to the extinguishment of Indian titles to land in New England may be applied with equal significance to the other colonies. He says: "The people of all the New England colonies settled their towns upon the basis of a title procured by fair purchase from the Indians with the consent of government, except in the few instances of lands acquired by conquest after a war deemed to have been just and necessary."[5]

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[1] Laws of Penna., 1722, 355. Hazard's Annals Penna., I., 437, 442. See Memoirs of the Penn. Hist. Soc'y., Vol. III., part II., for the records of a treaty, one article of which pertains to the purchase of the site of Philadelphia from the Indians. "For and in consideration of 200 fathom of wampum, 30 fathom of duffels, 30 guns, 60 fathom of strong waters, 30 kettles, 30 shirts, 20 gunbelts, 12 pair shoes, 30 pair stockings, 30 pair scissors, 30 combs, 30 axes, 30 knives, 21 tobacco tongs, 30 bars of lead, 30 pounds of powder, 30 awls, 30 looking glasses, 30 tobacco boxes, 3 papers of leads, 44 lbs. of red lead, 30 pair of hawks bells, 6 drawing knives, 6 caps, 12 hoes."

[2] Force Papers, I., Nova Britannia, I., 1609.

[3] Laws of Virginia, 1705, LII., sec. 2.

[4] Jefferson, Virginia, 153.

[5] 3 Kent Comm., 391.

The Reservation System.

The system of land reservations was developed simultaneously with land purchases in all the colonies. Virginia as early as 1656 seems to have had a well-matured plan for the formation of reservations.[1] It was enacted by the Assembly in the above year that any lands possessed by the Indians, reserved to them by any act of Assembly, should not be alienable, because of the consequent necessity to make new allotments of lands and possessions. This was not to preclude any alienation made through bargain or sale and with the assent of the Assembly.

Commissioners of the United Colonies agreed in 1658 to a system for setting aside lands for the exclusive use of the Indians.[2] A grant made by them may be taken as typical. It provided that "Coshawashett and his Companie shall have a meet proportion of land att Squams cutt necke on the East side of parketuck River and Cashasinnimon and his Companie shall have a fitt proportion of land alowed them att Wawarramoreke neare the path that leads from the mouth of Misticke River; and it is Comended to the Generall Court of Conecticott to appoint as soon as may bee some meet psons to lay out and bound the said lands for them."

Plymouth Colony, in 1685, granted lands to the "South Sea Indians," which lands were never to be alienated or sold without the consent of all the tribe.[3] We note in this a very common form of statement used in the treaties made between the United States government and the various "nations" of Indians.

There was no provision in the Massachusetts Bay Colony for the definite setting aside of lands for the Indians, other than that made through the influence of the great

[1] Hening: Statutes of Va., I., 396.
[2] Plymouth Records, X., 199.
[3] Plymouth Col. Records, VI., 159.

missionary John Eliot.[1] This latter policy was sanctioned by the General Court. Several townships of land were set aside for the exclusive habitation of the "Praying Indians." The villages and surrounding plantations varied in size according to the numbers of Indians. It was thought by such arrangement that: (1) All differences in future times with regard to the proprietorship of land between the English and the Indians would thus be removed; (2) The Indian would have a definite tract of land which could not be sold, thus rendering him destitute and discontented.

Connecticut by the year 1680 had also a well-developed reservation system. Allotments of land were made to the tribes. These were recorded and duly descended to their heirs. The Indians were not allowed to sell their lands, and any Englishman who purchased a part of such tracts forfeited his purchase and treble the amount of money paid.[2]

The colony of Connecticut seems to have been the first to pauperize its Indians by the introduction of a system of annuities,—a system which as it has developed since the year 1683 has tended to deprive the Indian of all traces of independence. A committee was appointed by the General Court, in the year given, for the purpose of assigning the Pequots a tract of land sufficient for them to cultivate. This failing, certain unimproved lands were to be assigned them. A law was then passed which required every town to provide for the maintenance of its own Indians.

Many forms of self-government were advocated for the Indians settled on reservations. These varied from the indirect authority exercised by the Plymouth Colony through three native rulers[3] to the military organization of John Eliot, by which there was chosen by the Indians "one ruler of a hundred, two rulers of fifties, and ten rulers of ten."[4]

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[1] Mass. Hist. Coll's, I., 179. [2] Conn. Col. Records, 1678-1689, 56.
[3] Plymouth Col. Records, V., 215.
[4] Neal's History of New England, Chap. VI., 254.

Another feature of Indian government was that allowed by the Massachusetts Bay Colony. In 1763 this colony set aside the district of Mashpee, wherein the Indians were given a large part of the governing powers.[1] They met annually in the public meeting-house. A moderator of the meeting was appointed. Other officers elected were five overseers, three of them Indians; a town clerk and treasurer, both English; two wardens, and one or more constables. The overseers had the power to regulate the fisheries in the district, to apportion to the Indians their uplands and meadows, and lease such lands and fisheries as were held in common. The profits arising from the leases were used to support indigent Indians.

The firm belief in the ability of Indian officials was not lost even after the abandonment of these early trials of native rulers. Probably no fact better illustrates the attachment to the doctrine and at the same time shows the fears existing among Americans with regard to the English and Indian alliances at the outbreak of the Revolutionary War than does one of the sections in the treaty of Pittsburg. This agreement, entered into in the year 1778 by congressional commissioners with the Delaware tribes, proposed on the part of the United Colonies that the Delawares and certain other tribes form a separate State. They were to be admitted as one of the members of the Union on the completion of such an organization. It is doubtful if this plan ever could have succeeded. The exalted position thus tendered the Indians had but little effect in comparison with the arms and trinkets so profusely bestowed on them by the English agents.

The granting of lands in severalty was a system commended by the colonists, but was not in vogue at an early date. In 1746, as the earliest example, we find that Massachusetts Bay Colony, through the General Court, appointed land committees of three persons. One of these committees

[1] Province Laws, 1763, IV., Chap. III., Section I., 640.

was to reside near each Indian plantation in the colony.[1] The committees had charge of the communal lands, and allotted to individual Indians such a portion of the land and meadows as the natives were able to improve.

Another unique feature of the early colonial legislation was that which provided for defeated tribes. This law indicates the survival of feudal ideas. The Virginia Assembly agreed, in 1646, to protect an Indian "king" against his enemies in consideration of twenty beaver skins, to be paid by him "att the goeing away of Geese yearely."[2] One of the articles of peace between this colony and certain tribes, in 1677, provided for the payment of "3 arrows for their land, and 20 beaver skins for protection, every year."[3]

Plymouth Colony affords an even more notable survival in the following enactment:[4] "Libertie is graunted vnto eight of the souldiers, Indians, which haue bine in the service, may sit downe and plant att Saconett, Capt. Church accomodateing them with land on condition that they shal be reddy to march forth vnder the comaund of Capt. Church when hee shall see cause to require them for the further psueing and surprising our Indian enimies."

Indian Trade.

The trader has always been a pathfinder for civilization. Whether we consider the Phoenicians as they took possession of the Mediterranean coasts, or made their way to Cornwall and the Baltic; the Romans as they pushed their roads into the heretofore unbroken wilderness; or the English and Dutch in South Africa to-day,—they all illustrate the same striking truth. Though they exploit the natives at every step, they bring those who are able to survive the onset to a higher plane of life. The Phoenician carried his

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[1] Province Laws, 1746, III., Chap. XII., Section I., 306.
[2] Hening, Statutes of Va., I., 323-326.
[3] Spottswood Letters, I., 25.
[4] Plymouth Col. Records, V., 225.

borrowed alphabet with him, and as he traded from place to place along the coast, or later founded his trading station which was to grow into a European town, left with the peoples with whom he came into contact not only the alphabet, but also Babylonian weights and measures and other inventions derived from the Orient. Roman roads became the easy means not only for a transfer of Roman goods and armies, but gave the Teutons ready entrance into the empire when they were prepared for their historic forays.

The material comfort of the Indian was considerably increased after his contact with the French and English traders. Hitherto the savage want of foresight and thrift had been wont to involve him during the long winters in a dreadful struggle against famine and disease. By the aid of iron utensils the native became a much greater producer. It is related by Governor Bradford that there was a surplus of corn among some of the tribes. The Narragansetts could sell 500 or 1000 bushels at a time.[1]

That there was intertribal trade among the Indians previous to the coming of white men to America cannot be doubted. The earliest Spaniards pushed ever on, to the west and northwest, incited by the stories of the coast Indians that their golden ornaments came from peoples who lived far inland in these directions. Early travelers attest the fact of a widespread native trade. Differences in language were obviated by the use of signs.[2] Some of the North Atlantic tribes had a currency.[3]

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[1] Mass. Hist. Soc'y Coll., Ser. 4, III., 129.

[2] Force Tracts, II., 17, 29.

[3] "Their money consists of beads, neatly cut out of brown or white cockle, mussle or oyster shells, through which they bore a hole and string them together on a thread like pearls; these they call Zeband (Wampum). In trade they measure those strings by their length; each fathom of them is worth five Dutch guilders, reckoning four beads for every stiver. The brown beads are more valued than the others and fetch a higher price; a white bead is of the value of a piece of copper money; but a brown one is worth a piece of silver." Memoirs of the Penn. Hist. Soc'y,

The Indian was not only a producer for the colonist, but aided him by his labor; "unsteadily, it is true, but in the great need of the new plantations any labor obtainable became a desirable factor."

Even before their necessities were supplied the colonists began to traffic for furs. Wampum, in small quantities, was introduced into New England by Dutch traders.[1] In exchange for wampum the Indian brought the beaver, then everywhere in good demand.

Indian Trade in Plymouth Colony.

According to Winthrop, 10,000 beaver skins were brought annually to the Dutch from the Great Lakes.[2] In September of their first year the Plymouth men sent out a shallop to trade with the Indians, and when a ship arrived from England in 1621 the colonists speedily loaded her with a return cargo of beaver and lumber.[3] The Plymouth Colony had two ships built for the trade. A report of 1625 refers to their return from an expedition, the smaller one "fild with goodly cod-fish taken upon ye banke . . . and besids she had some 800 lbs. weight of beaver besids other furrs to a good value."[4]

From this same report it seems that Plymouth trade was under the direction of two factors chosen by the Company. They were to have charge of the "catle, cloath, shoes, hose, leather etc.," to be used in the trade, to make exchange for furs and ship them to England.

The colony, however, in 1626,[5] purchased the right to

III., Part I., 131. Weeden, Economic and Social History of New England, I., 33-46. Weeden, Johns Hopkins University Studies, 2nd Ser., VIII., IX., 27.

[1] Mass. Hist. Coll., Ser. 4, III., 234.

[2] Winthrop, I., 113 *et seq.*

[3] Bradford, New England, 104. Turner, J. H. U. Studies, Ser. IX., 12. For further accounts of early trade see Turner and Weeden.

[4] Mass. Hist. Coll., Ser. 4, III., 202. [5] *Ibid.*, 212.

trade and to sell land by the yearly payment to the Company of 200 pounds, for nine years. In order that this debt might be met, the trade was to be in common and shares sold. Each single freeman might buy one share, and every father of a family was allowed to purchase as many shares as he had persons in his family.[1] As the colony was unable to meet its payments, the trade was let in 1627 to a company of twelve "undertakers" for a period of six years. At the end of this time the colony was again to assume control.[2]

Indian Trade under the United Colonies.

In the Hartford meeting of the Commissioners from the United Colonies, in 1644, various plans for Indian trade were discussed. Some of the commissioners advocated separate colonial jurisdiction; others favored a "renting out" of the trade. There were those again who were willing to sanction individual and indiscriminate traffic. It was finally decided that there was to be trade in common.[3] From five to six thousand pounds sterling were thought a sufficient sum with which to begin the trade. It was agreed that every man throughout the colonies was to have the liberty to pay into the general fund. No one was to have less than twenty pounds of stock. Each was to put in his "pporcon vnder his owne name or diuers may put in vnder the name of some one whom they genally trust and are satisfied in." The latter are to be known as "undertakers" and all others as "adventurers."

In each jurisdiction the undertakers were to choose "committees" of two or three to manage the joint stock. This management was to consist in "puiding Comodities for trade, settling tradeing houses, hireing factors or servants to trade with the Indians, receiuing the Beauer or other pceed of the trade from them with accounts from

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[1] Mass. Hist. Coll., Ser. 4, III., 215.

[2] Plymouth Colony Records, IX., 22.

[3] *Ibid.*, 226.

tyme to tyme and what els may be necessary and ordered."[1] This way of trading was to continue for ten years. The committees were to report to the commissioners at their yearly meetings. After paying the managers such a sum as the undertakers "thought fit," the profits were to be divided. Each jurisdiction was to receive such a portion of the profits as the commissioners in conjunction with the committees agreed upon.

Indian Trade in Massachusetts Bay Colony.

Previous to the ratification of the plan above mentioned, the Massachusetts Bay Colony, in 1645, had given the exclusive Indian trade for three years to a trading company.[2] The rights of this company were probably purchased for the united colonies. At any rate, there was a joint trade for the period stated. The stock seems to have been much smaller than that originally recommended.

Massachusetts acquired ever-increasing power in the union. While the original plan of trade did not fail at the end of the ten years, the general direction of the trade was transferred to the commissioners from Massachusetts Bay and Plymouth colonies. Finally, in 1657, Massachusetts Bay Colony declared that the trade in furs within her jurisdiction was to be carried on for the benefit of that common-

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[1] See Plymouth Col. Records, X., 133-138-165. This invoice of goods is a general type of those ordered by the corporation:

"Imprimis six flocke bedds and bolsters
It six paire of blanketts
It six good Irish Ruggs
It a duzen or two of bed coards
It in Nailes the greatest quantitie to bee 6, 8, 10, some 4 penies a few dubble tens none greater in all aboute 50£
It in hookes and hinges 03£
It in good Carpenters tooles espetially axes of the best sort broad and narrow augers and chisels and in good hoes broad and narrow 10£
It in good Dowlis 40£
It Cottens 30£
It Canvas 50£

[2] Mass. Records, III., 53, 54.

wealth.[1] Six commissioners, or any three of them, were to decide on the best way of making "contract with such able and honest persons as shall tender themselves to prosecute the Indian trade for the best benefit of the country." Those who engaged in the trade other than in this manner were to be fined 100 pounds.[2]

This colony in 1668 agreed, on the payment of £600 sterling, to farm out to one Richard Way the entire Indian trade. He was to have for the space of three years "all & euery benefit & advantages any ways accrewing to the country by virtue of the impose of wjne, brandy, & rumme, with beavers, furrs & peltry, from hence to be traded with the Indians, together with the rates of drawing of wine from the vintners."[3] At the end of this time the trade passed again into the hands of the colony.

Indian Trade in Virginia.

Trade was at first largely carried on in the different colonies by private traders. How to restrain these traffickers from taking undue advantage of the natives and still foster trade was a vexed question. Licenses were required for trading in all the colonies.[4]

The Virginia Assembly, in 1637, made it felony to barter with the Indians. This act was repealed two years later, and trade with them was punished by imprisonment at the discretion of the Governor and Council.[5] In 1656 all freemen were given the privilege of trading without seeming restriction.

Virginia again found it necessary to limit this freedom by bringing the Indian trade more completely under governmental surveillance. This led to the novel attempt in 1677 of establishing fairs throughout the colony.[6] There were

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[1] Mass. Records, IV., 291.
[2] N. Y. Col. Doc., III., 243.
[3] Mass. Rec., IV., Part 2, 398.
[4] N. Y. Col. Doc., III., 243.
[5] Hening's Statutes at Large, I., 227.
[6] Hening's Statutes at Large, II., 410.

to be seven fairs held at places designated by the justices of the peace in the different counties, on the James, Rappahannock and Potomac rivers and in Accomac and Northampton counties respectively. The coming together at these stated places occurred twice each year, and the "ffaires" continued "fforty dayes and no longer."

The Indians were to be allowed to bring any commodities which they might wish to trade and "sell or truck for the same with the English, resorting thither, but noe where else for any commodityes whatsoever." Any Englishman who traded with the Indians at any other times or places was fined 5000 pounds of tobacco for each offense, one-half of which fine was to go to the informant and the remainder to the colony.

Provision was also made for the appointment by the Governor of a clerk, in case the county clerk did not serve, at each of these fairs. His duties were to keep account of all articles bought and sold. In payment of the clerk's fee one-twentieth was set aside, and the Governor's dues were similarly reserved. Although fairs seemed a good solution of the inherent difficulties of trade, they were abandoned, and Virginia in 1691 repealed all acts which limited and restrained free trade with the Indians.[1]

Trade in Firearms.

So long as the Indian was unsupplied with firearms, the various regulations tended to secure a generally peaceful trade. When he learned the use of the gun he was no longer willing to submit to the bargains made by the white man, but set up for himself. From the time when the Dutch furnished the first four hundred Iroquois warriors with firearms, the Indians were willing to make any sacrifice to obtain the coveted treasure. Unscrupulous private traders were willing to supply them. How to restrain these

[1] Hening's Statutes at Large, III., 69, renewed in 1705, III., 468, 469.

traders and keep the Indians friendly were questions which became the basis for frequent legislative enactment.

Money fines seem to have arisen in the futile attempt to blot out this trade. As early as 1633 Massachusetts Bay Colony enacted that no person should sell any arms or ammunition to any Indian upon the penalty of ten pounds for every gun, five pounds for a pound of powder, and forty shillings for a pound of shot.[1] The Bay colony, when it entered on a monopoly of the Indian trade in 1657, passed an act that no person should trade with the Indians except such as were given a license. For every offense the penalty was 100 pounds. To such as did have a license there was given the liberty to sell guns, powder and swords at will. By these means the Indians were soon abundantly supplied.

Indian outbreaks, with accompanying carnage, taught the colonists that they had made of their savage neighbor a not-to-be despised adversary. Laws against unlicensed traders, and especially against any trade in firearms, became more and more exacting. Plymouth Colony even went so far as to publish that any one convicted of furnishing Indians with arms should be put to death.[2]

Plans for Colonial Alliance and Indian Trade.

During the course of a century previous to the overthrow of the French power in America, the English, now by confederation, in which they placed a barrier to savage encroachment, now by laws and presents, strove to make the Indians fit allies to stop all French approaches.

Franklin saw clearly the need for much solicitation on the part of the English. In the plan for union of 1754, he urged upon the commissioners from the colonies "that they make such laws as they judge necessary for regulating all Indian trade." He added: "Many quarrels and wars have arisen between the colonies and Indian nations through the

[1] N. Y. Col. Doc's, III., 243. [2] Plymouth Col. Rec., V., 173.

bad conduct of traders who cheat the Indians after making them drunk, to the great expense of the colonies both in blood and treasure. Particular colonies are so interested in the trade as not to be willing to admit such a regulation as might be best for the whole; and therefore it was thought best under a general direction."

After the outbreak of hostilities between England and France, the English exercise still greater care in the protection of the Indian trade. A proposed plan of Secretary Wraxall sets forth an almost ideal Indian agency.[1] He advocates an intendant of trade to reside at Oswego. This intendant was to receive a stated salary and was not to be in any way concerned in the Indian trade. His duties were to endeavor to discover all frauds and impositions on the Indians; to inspect all weights and measures and see that they were of an equal standard. Further, he was to bring all offenders to trial before the commission officer of the garrison and send all convicted to New York in irons. In addition, no trader was to presume to carry on trade unless he had a license from the intendant. Every trader was to give a bond of 500 pounds that he would observe all laws and regulations.[2] The superintendent was to have the privilege of giving instructions to and, if need be, to suspend the intendant.

The English strove hard to regulate the trade after the peace of 1763. General Gage, in 1764, was advised by the Council to "prohibit all hostilities against the Indians and to open trade with them."[3] He was to give orders to the commanders of the several posts that they should allow no trader to pass unless he had a license from the Governor. Nor were they then to be allowed to sell beyond the so-called Christian settlements.[4] It is worthy of note that the

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[1] N. Y. Col. Doc's, VII., 27.

[2] See Colden Letters, II., N. Y. Hist. Soc'y Colls., 1877.

[3] Colden Letters, I., 260. N. Y. Hist. Soc'y Colls., 1876.

[4] Colden Letters, I., 419. Also 383, 441, 461.

chief cause for the coming together of the commissioners from the several colonies was incidentally to make some general plan for Indian trade. On the success of these regulations depended peaceful relations with the savages. May it not further be said that in these trade confederations was established that fellow-feeling between the colonies that rendered their final union much more effective.

In 1769 the assemblies of the colonies were given the power to regulate the Indian trade.[1] As this was not effective, New York, in the year 1770, issued a call to the Governors of the other colonies and of Canada for the appointment of commissioners to meet in July.[2] At that meeting in New York there were present representatives from Quebec, New York, Pennsylvania and some of the Southern colonies. Patrick Henry was the commissioner from Virginia. As there was not a complete representation, no definite plans seem to have been formulated.

Trade in Liquors.

Says Lowell: "The temperance question agitated the fathers very much as it still does the children. We have never seen the anti-prohibition argument more cogently stated than in a letter of Thos. Shepard, minister of Cambridge, to Winthrop, in 1639: 'This also I doe humbly intreat, that there may be no sin made of drinking in any case one to another, for I am confident he that stands here will fall and be beat from his grounds by his own arguments; as also that the consequences will be very sad, and the thing provoking to God & man to make more sins than, as yet is seene, God himself hath made.'"[3]

Whatever moderate drinking might be allowed among themselves, the colonists early learned to fear the influence of liquor on the Indians. No laws appear oftener on the colonial statute books than those against this traffic. It

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[1] Colden Papers, II., 184. [2] *Ibid.*, 206, 210, 218, 225.

[3] Among my Books, "New England Two Centuries Ago," 262.

meant little, however, that New York, in 1675, through her General Court, prohibited all trade at the plantations because of the traffic in rum. Nor was the effect lasting when Massachusetts Bay or Plymouth Colony set a fine or imposed so many months imprisonment on every pint sold.[1] Traders were greedy of gain, paid their fines and continued their traffic. Nor did the Indian cease to have a desire for "fire-water" because of a fine of ten shillings or a whipping for drunkenness.[2]

Criticisms on the Trading Policy.

Sir William Johnson regarded the English trading system as a failure. In his report for 1761 he compares it with that of the French.[3] Under the English, the profits induce the dregs of the people, discharged provincial soldiers, batteaumen, to engage in the trade. "They are compelled to make use of low selfish agents, French or English as Factors who at the expense of honesty and sound policy, took care of themselves whatever became of their employers." He sets forth the manifest superiority of the French system, and makes suggestions for the future improvement of the English methods.[4]

Trading-House System.[5]

We shall now consider one of the institutions strongly commended by Superintendent Johnson and which was subjected to the test for over one hundred years. After a trial in the colonies, it passed on to its completed form under the government of the United States. Its final failure to meet the needs of the Indian trade did not come until the year 1822.

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[1] Province Laws 1693, 150; 1725, XI., Sec. V. Plymouth Col. Records, IX., Laws 1623-1682, 54, 184, 185, 256.

[2] N. Y. Col. Doc's, III., 242. Plymouth Col. Records, IX., 140, 209, 234.

[3] N. Y. Col. Doc's, VII., 956. [4] *Ibid.*, 971.

[5] Published in the Magazine of American History, May, 1892.

The term trading house was in use as early as 1625. It was applied to a house erected on the Kennebec river by some traders from Plymouth.[1] As has been noted, trade in this colony was at that time carried on in common. Commodities such as "coats, shirts, ruggs, & blankets, biskett, pease, prunes &c.," were stored in this trading house in order to meet the trade which had previously been carried on with the Indians by fishermen. By an act of 1622 the Court of Boston ordained "that there shall be a trucking howse appoyncted in every plantation, whither the Indians may resorte to trade, to avoide there comeing to seuall howses." But the term was not used to its full intent until the year 1694.

Massachusetts Bay Colony in that year, through her Governor, Council and representatives in General Court assembled, passed an act for regulating the Indian trade. This act contains a complete description of the trading house system. As it forms the basis for later acts, I shall consider its provisions somewhat at length. All trade with the Eastern Indians was to be carried on "at the charge of and with the publick stock in their majesties' treasury within this province and for the benefit and advantage of the same." Truck masters were provided for. They were to be appointed by the treasurer and the commissioner of impost. These managers of the trade were to have a stated salary and to take an oath that they would not engage in trade on their own account. Instructions regarding the trade were to proceed from the Governor and Council. From time to time, as required, the accounts were to be laid before the General Court. It was further provided that "no person or persons whatsoever, other than those to be imployed as aforesaid shall directly or indirectly truck, buy, sell, deal, or trade with any Indian or Indians under penalty of 50 pounds and forfeiture of goods."

The original stock was 500 pounds. Any gains in the

[1] Mass. Hist. Colls., Ser. 4, III., 233.

trade were used for the support of the government. Upon the renewal of the act in 1699 it was provided that the original investment, with any gains, should be re-invested in the trade.[1] The reason for thus increasing the capital stock was to undersell the French. This was doubtless the chief cause for the early establishment of trading houses. French influence compelled a more extended trade by the colony. In the year 1725, 4000 pounds were given for the support of the trade at the different truck-houses.[2] The Indians were to buy the goods at wholesale prices and sell their furs at the Boston market rates.[3] Any agent who violated either of these provisions was, upon conviction, to be fined 100 pounds. Acts providing for trading houses were continued and renewed by this colony until and during the Revolutionary War.

The year 1753 is of especial note in an account of this trading house system. It marks the passing of the plan from Massachusetts to Pennsylvania. This, as we shall see later, was but one move towards its acceptance ultimately by the general government. Franklin was appointed agent among the Indians on the Ohio river. In the year above mentioned he made a treaty with them. They complained of their grievances at the hands of the private traders. Franklin was anxious to remove the causes for complaint. He wrote James Bowdoin, of Boston, for a copy of their "truckhouse" law and an account of its method of execution.[4] Bowdoin reviewed the act as it operated in Massachusetts. He dwelt especially on the two effects of the trading house system:[5] (1) By selling at wholesale rates the Eng-

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[1] Province Laws, Mass. Bay Colony, 1699, I., XIII., Sec. 2.

[2] *Ibid.*, (1725), II., II., Sec. 1.

[3] *Ibid.*, (1725), II., II., Sec. 4. See acts 1731, 1733, 1737, 1742, 1753, 1761, 1764. See also Province Laws, 1782, p. 905.

[4] Franklin's Works, Bigelow's ed., II., 316.

[5] Franklin's Works, Bigelow's ed., II., 316. "Our truck houses are built in form of a square, each side one hundred and fifty feet or more, at each corner a flanker, in which is a couple of cannon;

lish will not only be enabled to undermine the French trade, but (2) will also remove the influence of the private trader.

Governor Dinwiddie, in 1757, refers to the passage of a similar trading house act in Virginia. The Assembly voted 5000 pounds to begin the trade. Goods were sold at first cost. The Governor urged the reasons already cited for the continuance of the act and commended its use by all the colonies.[1] The trustees were directed in 1760 to sell the goods on account of Indian hostilities. In 1765, however, the act of 1757[2] was revived and amended.[3]

It is of interest to note that South Carolina, as early as 1716, used this method of trade.[4] Her commissioners formed a closer corporation than the traders of any other colony. Their seal of corporate powers made them subject to trial before any court. There were three houses established. The act was passed for the period of two years,[5] but was renewed.

As the connection of the trial of this system of trade by the colonies and by the United States is so close, we shall consider its workings under the latter government. Trading houses during and after Revolutionary times were agencies against English influences as they had been against the French previous to this time. We have noted Franklin's interest in trading posts in 1753. Two years earlier, in a letter considering the "gaining and preserving the friendship of the Indians," he showed some knowledge of the plan. He said: "Publick trading houses would certainly have a good effect towards regulating the private trade, and preventing the impositions of the private traders, and there-

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three sides of the square are built upon to accommodate the garrison and for storehouses, the whole being surrounded by palisades."

[1] Dinwiddie Papers, II., 640, 642, 692.

[2] Hening, Statutes at Large, VII., 116, 117. [3] *Ibid.*, VIII., 114.

[4] Statutes of South Carolina, II., 1682 to 1716, pp. 677-680.

[5] See acts of 1717, 1718, 1721, 1722, 1725, 1726.

fore such should be established in suitable places all along the frontiers."[1]

In 1776 Congress accepted the report of the committee of which Franklin was a member and voted 140,000 pounds sterling to be expended in goods for this trade.[2] It was to be under the control of congressional commissioners.[3]

Washington furthered this plan made so prominent through Franklin's influence. In each of his annual addresses he urged upon Congress the necessity for the safe establishment of such a system. In his fifth annual address of December 3, 1793, he said: "Next to a rigorous execution of justice on the violators of peace, the establishment of commerce with the Indian nations, on behalf of the United States, is most likely to conciliate their attachment. But it ought to be conducted without fraud, without extortion, with constant and plentiful supplies, with a ready market for the commodities of the Indians, and a stated price for what they give in payment and receive in exchange. Individuals will not pursue such a traffic unless they be allured by the hope of profit; but it will be enough for the United States to be reimbursed only."

After the plan was commended by the Congresses of 1794 and 1795, in the latter year an act, embodying Washington's suggestions, was passed. It was to remain in force two years. The President of the United States was to have the privilege of establishing trading houses at such posts and places on the western and southern frontier as he should deem necessary for the carrying on of a liberal trade with the Indians. To meet this end $150,000 were appropriated.[4] The friends of this act do not seem to have regarded its strength as a civilizing agent, but wished by it to accomplish two objects:[5] one of which was the "securing of

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[1] Franklin's Works, Bigelow's ed., II., 221.

[2] Journals of Congress, 1775, pp. 162, 168, 247.

[3] *Ibid.*, 1776, p. 41.
American State Papers, Ind. Affs., I., 583.

[4] Annals of Congress, IV., 1273.

the friendship of the Indians by supplying their wants," and the other the "supplanting of the British trader in his influence over the Indian."

We learn from the report of the Secretary of War for 1795 that two trading houses were established as an experiment among the Southern tribes. The tribes at the North had not yet come into friendly intercourse. One of these Southern posts was located among the Creeks at Colerain, on the river St. Mary's, chosen because of ease of access both by land and water. The other was located for the purpose of supplying the Cherokees and Chickasaws, and was located at Tellico Block House, in Cherokee territory.[1]

The Indians were made to understand that the trade now to be carried on among them, under the direction of the President of the United States, was entirely different from that heretofore pursued, that, namely, by individuals solely for their own profit.

The positions for the trading houses were to be chosen from the Indian possessions, but were not to become the property of the United States. The houses were to revert to the original owners when no longer used for a trading or a military post. Trade was to be regulated by the President. Every article was to have its stipulated value. Weights and measures were to be introduced in order that the hunters might bring their peltries, at once know their value and receive satisfactory exchange. Persons were to be appointed by the President to obtain goods from the manufacturers at the cheapest rates, carry them to the trading houses and there dispose of them at cost price plus the charge of carriage. Where licensed traders procured these goods from factors they were to be allowed only a stipulated amount for wages, and the prices at which they must sell were to be posted in every village.

In 1801 there had been but $90,150 of the original appropriation drawn from the treasury. There was no ade-

[1] American State Papers, V., 583, 584.

quate report of the trade up to this time, and while there may have been some advantages in the system in so far as it attached the natives more closely to the government and tended to remove the animosities excited by private traders, these good results were not of sufficient importance to warrant the continuance of the enterprise. It was, however, thought expedient by Congress to extend the time, using the same capital.

On the renewal of the act, Jefferson recommended as one of the chief agents for reducing the savages to civilization that the trading houses be multiplied in order that those things might be placed within their reach which would contribute more to their domestic welfare than the possession of "large but uncultivated wilds."

In his third annual message, President Jefferson spoke favorably of the system which would furnish necessities in exchange for commodities at such moderated prices as would leave no gain, but cover losses. He said it would have a conciliatory and useful effect upon the Indians; it would "best secure their peace and good will." The message for 1804 contains the same unquestioned approval of the plan: "Instead, therefore, of an augmentation of military force proportional to our extension of frontier, I propose a moderate enlargement of the capital employed in that commerce as a more effectual, economical and humane instrument for preserving peace and good neighborhood with them." The message for 1805 refers in a most hopeful manner to the satisfaction manifested by the Indians of the Missouri and the Mississippi valleys, with their governmental relations, and of their desire to cultivate peace with the United States.

The time originally proposed had now expired, but there was no thought of a discontinuance of the trading system. At the close of the year 1811 there had been appropriated $300,000 exclusive of officers' salaries, amounting to some $35,000 annually. Ten factories had been established upon the following sites: Fort Hawkins, Georgia; Chickasaw

Bluffs, Mississippi Territory; Fort St. Stephens on the Mobile river; Ft. Osage on the Missouri river; Ft. Madison on the upper Mississippi river; Nachitoches on Red river; Ft. Wayne on the Miami river; Chicago, then in Indiana Territory; and Michilmackinac on Lake Huron.[1] It was estimated that the amount of money gained in these "factories" from 1807 to 1811 was $14,171. The Southern factories, because of the greater difficulty of communication with the coast and thus with European markets, reported losses.

That there were many advantages in this system seems sufficiently attested, not alone from the unqualified statements of presidents and other United States officials, but from actual continuation of trade relations for twenty-six years during the times of governmental weakness and financial strain. Among the more noteworthy merits cited were: (1) The superior trade advantages which the system held out to the impoverished race for whose benefits it was established; (2) The ease of access, by such methods, into the confidence of the Indians, who thus by slow degrees learned those moral and intellectual lessons so necessary for the saving of a dependent people.

At the beginning of the year 1812, when the whole plan seemed most satisfactory, signs of failure were apparent. These became more pronounced through the succeeding years up to the final discontinuance of the policy. The causes for this peculiar failure are numerous[2] and show in a measure the general weakness of our government at that period. One of the chief of these was the greater influence over the Indian always held by the English. Their treatment, as a government, of the Indian was thought to be almost perfect. No person was eligible for the place of agent under the English government unless he was able to speak some one of the Indian languages. An agent thus

[1] American State Papers, V., 768.

[2] Amer. State Papers, VI., Ind. Affs., I., 684. Abbr. Deb., VII., 1780.

equipped might easily learn the peculiar manners and customs of the tribe and soon become influential with the different "head-men" with whom he dealt. Americans who were appointed to important positions were, many of them, men who had not "seen an Indian, much less did they know how to conciliate him in trade." The English gave all officers of the Indian Department military brevet rank and caused them to wear military insignia. This gradation obviated many difficulties by making uniform the various measures. Flashy clothes and gilded trappings had no little influence on the mind of the natives. The highest British officials thought it not derogatory to their interests to smoke the pipe or converse with the chiefs. Thus the English learned to rid themselves of the evil influences of designing interpreters.

Trading houses were established in conjunction with military posts. The relative importance of the officials had not been clearly defined and much embarrassment arose from conflicting orders. The superintendents were too often uninterested in their duties and turned the official work over to less competent persons. The English were in the habit of making many presents to the Indians. When they came to the understanding that the goods distributed throughout the factories were not to be given them, they lost confidence in a "Father" whom they thought so poor that he was compelled to descend to the position of a private trader.

The general government attempted to use the same methods as those employed by the English. Either the amounts voted were insufficient or there was so great delay in transferring even these scanty means to the agents that they inevitably lost control of the chiefs. A manuscript letter from the agent at Fort Michilmackinac refers to the presents of the period: "From the issue last July to twenty-five chiefs I am persuaded that no good can possibly result from this method, and it is productive of much heartburning and discontent. Those who receive their

small allowance are scarcely satisfied either with the agent or the government, and those who can receive nothing openly profess themselves dissatisfied with both."[1] The English government, on the other hand, is reported to have spent $200,000 annually in presents at the two posts Malden and Pennaton, among the Chippewas of Lakes Superior, Huron and Michigan, and the Ottawas, Menomonees and Winnebagoes.

The goods used in the trading houses were inferior to those of the traders and less fitted for the trade. A committee of investigation reported a large portion of the stock to consist of "men's and women's coarse and fine shoes, worsted and cotton hose, tea, glauber's salts, alum, antibilious pills, green silk, fancy ribands, and morocco slippers, without which collection the good health or good appearance of the Indian seems not to have been assured."[2]

It was explicitly provided that no white man should be allowed to purchase stores from the factors. Private traders were continuously equipped from them. The factors even sold, on application, to the English traders. Credit was prohibited at the trading houses. As the Indian could not pay his debts until the close of the hunting season, he was unable to obtain goods. Private traders accompanied Indians to hunting grounds where barter might be most thoroughly resorted to. Express provision was also made that there were to be no profits in the trade carried on by the government. Goods were sold at rates sometimes forty per cent. in advance of the original cost.

Among the instructions sent out to the various factors was one which absolutely forbade the carrying on of any "trade, commerce, or barter," on behalf of the factors themselves. They were bonded to the government, with satisfactory security, in the sum of $10,000, that they would perform all their duties faithfully and return accurate accounts. Many were supposed to have grown rich in the service.

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[1] Boyd MSS., III. In Wisconsin State Historical Library.

[2] American State Papers, VI., 329.

After a consideration of the many abuses and manifest weaknesses of the system, Congress, in 1822, abandoned the trading houses. Heavy losses were reported the last few years of the business. In fact, there was an annual loss of $40,000 to the government.

Indian Slavery.

There never was a time in the world's history when slavery was not somewhere recognized and enforced by the laws of society. In the beginnings of America, as elsewhere, the economic profits of slavery seemed to concern the mind of the average colonist rather than the rights of his fellowmen. The Spaniard came to the New World with his seemingly innate idea that all things belonged to the conqueror. Natives were everywhere enslaved. They were early considered a part of the "*repartimiento* system." In the first grants of land, however, there is no mention of the Indian.[1] Under the second form of *repartimiento*, that of 1497, feudal ideas become more notable. Land was granted "in the Indies," the grant including a certain number of natives to till the soil.[2] A few years later the *encomiendo* came into usage.[3] By this the persons to whom Indians were assigned had the right to exact tribute from them. Payments were necessarily largely made through day's labor. Bobadilla, the successor of Columbus, "seems to have gone further and to have permitted the Spaniards to treat their Indians as a labor gang." They might thus be taken to work anywhere and without restriction. The hardships of the native under this chain-gang system need not be related.

We find no evidence of such an intolerable condition of Indian slavery among the English colonists. The Indian was considered from the first as an integral part of the slave system of which the negro formed the chief factor. Invol-

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[1] Help's Spanish Conquest, I., 152.
[2] *Ibid.*, I., 164.
[3] *Ibid.*, III., 117.

untary servitude of Indians in the several colonies originated under a law not promulgated by legislation, but it was based on a once prevailing law of nations. By unquestioned ancient usage, prisoners of war might be disposed of as the captor willed. The selling of prisoners into slavery was, historically speaking, an advance upon the original custom of sacrificing the lives of male captives.

Positive legislation on the subject of Indian slavery early appears in Massachusetts.[1] Of the ninety-eight articles of which the "Body of Liberties" is composed, two have especial reference to slaves. These form one of the first enactments establishing slavery in New England. One article declares: "There shall never be any bond slaverie, villinage or Captivitie amongst us unles it be lawfull Captives taken in just warres, and such strangers as willingly selle themselves or are sold to us. . . . This exempts none from servitude who shall be Judged thereto by Authoritie." This may be regarded as a restrictive clause. There had been slaves in the colony and the institution of slavery was to continue, although confined to three classes of persons. Slavery does not seem to have been sanctioned for pecuniary reasons, but rather as a measure of defense. By far the largest number of slaves belonged to the first of the three classes, that is, captives taken in war.

"Man-stealing" was made a criminal offense. It is argued that children born in the colony were not slaves; upon this point, however, there are wide differences of opinion.[2] The dread and alarm through the Pequod attacks caused the colonists to take captives when possible. Governor Winthrop, reporting in 1637 an attack and defeat of this tribe, says: "The Prisoners were divided, some of those of ye river and the rest to us. Of these we sent ye

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[1] Mass. Hist. Soc'y Colls., Ser. 3, VIII., 231. None of the laws of this colony "were printed until 1648." Palfrey, History New England, II., 22.

[2] See Moore, History of Slavery in Mass., 15-28. The discussion pertains chiefly to negroes.

male children to Bermuda & ye women & maid children are disposed aboute in ye townes."

A letter of 1645 to Governor Winthrop discloses the Puritan inner consciousness on the subject of slavery. It suggests another method of dealing with the Indian captives: "A warr with the Narragansett is verie considerable to this plantation, ffor I doubt whither it be not synne in us, having power in our hands, to suffer them to maynteyne the worship of the devill which their powwayes often doe; 2^lle^, If upon a just warre the Lord should deliver them into our hands, wee might easily have men, women & children enough to exchange for Moores, which wil be more gaynefull pilladge for us than we conceive, for I doe not see how wee can thrive untill wee gett into a stock of slaves sufficient to doe all our business, for our children's children will hardly see this great Continent filled with people, soe that our servants will still desire freedome to plant for themselves, & not stay but for verie great wages. And I suppose you know verie well how wee shall maynteyne 20 Moores cheaper than one Englishe servant."

A similar view with regard to the desirability of negroes and the propriety of an exchange of Indians for them was maintained by the United Colonies. In the early years of this confederacy of 1643 it was agreed that Indians were no longer to be kept in prison, because of the cost of maintenance. The delinquents, or their tribe, might make reparation. If this were not done, then the magistrates were to "Deliuer up the Indians seased to the party or parties in damaged, either to serue or to be shipped out & exchanged for negroes as the cause will iustly beare."[1]

One of the first fugitive slave laws ever enacted in North America was that passed by the United Colonies in 1672.[2] It provided for the return to his master of any escaped servant. Such servant was to be given over by any other

[1] Plymouth Records, IX., 71.

[2] Plymouth Records, X., 348. Mass. Col. Records, IV., Part II., 473.

colony to any person who claimed the services of the escaped party, provided he claimed the right of capture through a magistrate's certificate. This applied also to magistrates into whose jurisdiction the fugitive might come. Upon due proof of the right of search, any magistrate was to "graunt such a warrant as the case will beare for the apprehending any such person; and the deliuering of him or it shal be graunted, hee paying the charge thereoff."
her into the hand of the pursuer and if healp be required

During King Philip's War the number of prisoners was greatly increased. At a meeting of the Plymouth Council in 1675 to consider the disposition of over one hundred captives, they concluded, "vpon seriouse and deliberate consideration and agitation conserning them," to sell the greater number "unto servitude."[1] It is further provided in 1676 that any who held Indian male captives beyond the time stipulated were to forfeit them to the colony.[2] A fiscal report of the United Colonies for 1678 includes the sale of 188 captives, for which 397.13 pounds were received.[3] The account of an estate at Salem in 1685 exhibits Indians among the chattels. Besides the specie, silverware, napkins, etc., there were an "Indian maid and man-servant, they fulfillinge there Respective Indentures."[4]

It would appear that the freedom of the captives was sometimes bought. They were also freed on the attainment of a certain age after a term of service. The Plymouth Court ordered the release of a certain Indian woman and her husband upon the payment by her brothers of the sum of six pounds in New England silver money.[5] The order further provides in the case of a "younge Indian" that he shall remain with his master until he reaches the age of twenty-four and "then to be released for euer."

Conditional servitude, under indenture or covenant, had

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[1] Plymouth Records, V., 173, 174. [2] *Ibid.*, XI., 242.
[3] *Ibid.*, X., 401. [4] Weeden, Economic Hist. N. Eng., I., 292.
[5] Plymouth Records, VI., 15.

from the first existed in Virginia.[1] White prisoners, debtors and homeless children had at times been sent into the colony. These were sold. Their status differed from that of mere slaves chiefly in the term of their bondage. While white and negro slavery was allowable in the colony, there is little evidence of the actual enslavement of the Indian in Virginia until the year 1657. In this year there was an act passed to prohibit the stealing of Indian children by Indians who had been hired by the English. All such stolen children were to be returned to their tribes within ten days and five hundred pounds of tobacco were to be paid the informer by the offending party.[2]

Troubles arose from time to time on account of the encroachment of the whites on the Indian lands. It became necessary to protect the white settlers. In 1660, after a complaint of damages, the plaintiff was given the right, provided satisfaction was not made, to sell as many Indians "out of the country" as the Court might prescribe.[3] It is of interest to note that no Indian had a right to sell another Indian. All such cases were to be freed. Those Indians who spoke the English language and "desired baptism," were also to be given their freedom.[4]

There is a close distinction regarding slavery in an act of 1670. Any servant imported by ship into the colony was to be a slave for life. A servant coming by land, if young, was to serve until he reached the age of thirty and was then free. A man or woman thus imported was freed at the expiration of twelve years.[5] The term servant was later made applicable contrary to the original intent, to Negroes. In consequence, the act was repealed in 1682. Henceforth all Indians sold as slaves were to be so regarded. This extended likewise to those Indians purchased from other Indians.[6]

Bacon's Laws provided that all Indians taken in "Warr be held and accounted slaves dureing life." The com-

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[1] Bancroft, I., 125-127. [2] Hening, Statutes at Large, I., 482.
[3] *Ibid.*, II., 15. [4] *Ibid.*, 155. [5] *Ibid.*, 283. [6] *Ibid.*, 491.

mander, in the time of war, was to make such a division of the captives as he thought best.[1]

In 1691, all former laws restricting trade with the Indians were repealed. Indians might then be traded with anywhere and at all times.[2] Referring to this old law, the Supreme Court of Virginia decided in 1808: "That no native American Indian brought into Virginia since the year 1691 could, under any circumstances, be lawfully made a slave."[3] Although the law of 1691 implied that the Indian could not be a slave for the reason that he had the right to trade, still it remained inoperative for over one hundred years.

After the treaty of Albany in 1722, no Virginia Indians were to cross the Potomac river without license, nor were any of the Five Nations or their allies to go beyond this boundary line. Any offenders were to be punished by death or transportation.[4] Many of the more important enactments regarding slavery in Virginia pertain indiscriminately to all classes of slaves, whether Negroes, Indians, or Mulattoes.[5]

Indian slavery did not exist to any extent in New York colony, although here also it is recognized as a part of a general system of slavery. There are but few references to Indian slaves as distinguished from Negroes and Mulattoes. One of the first cases occurred in 1644, in a report to the West India Company for that year:[6] "The captured Indians who might have been of considerable use to us as guides, have been given to the soldiers as presents and allowed to go to Holland; the others have been sent off to the Bermudas as a present to the English Governor."

Some trouble arose at times in New York because of the

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[1] Hening, Statutes at Large, II., 346, 404. [2] *Ibid.*, III., 69.

[3] Pallas vs. Hill, 2 Hening and Mumford Reports, 149.

[4] Virginia Laws, 1722, 8th George I. Byrd MSS., II., 258.

[5] See Hening, Statutes at Large, II., 491, III., 140, 402, 403. Also Virginia Laws, 1723, 9th George I., IV., Sec. 23.

[6] N. Y. Col. Doc's, I., 210.

sale of Indian children who had been given into the hands of the English that they might be "instructed."[1] As late as the year 1749, Colonel Johnson wrote Governor Clinton of this usage. He says: "I am very glad your excellency has given orders to have the Indian children returned, who are kept by the Traders as pawns or pledges as they call it, but rather stolen from them, as the parents came at the appointed time to redeem them but they sent them away before hand, and as they were children of our Friends and allies and if they are not returned next spring it will confirm what the French told the Six Nations viz. that we looked upon them as our slaves or negroes."[2]

Connecticut had some cases of Indian slavery. The General Court, in 1676, ordered that all Indians who surrendered themselves within a stated time should not be sold "out of the country for slaves."[3] Their freedom was granted them after ten years of faithful service. A law in Connecticut in 1715, while prohibiting the importation of Tuscaroras,[4] forbade all importations of Indians.

The general conclusions may be stated that, while there were cases of enslavement of the Indian in the colonies, such practices were not general. Prisoners were captured in war, and the colonists, fearing to keep them, sold them in foreign countries. Negro slavery was everywhere more profitable. There was always a fear of the effect of Indian slavery on the tribes. This became one of the chief arguments against a traffic in Indian captives by the opponents of the system.[5] It was found necessary to restrict slavery in order that the best possible influence might be exerted on the natives through education and religion.

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[1] N. Y. Col. Doc's, V., 432.
[2] *Ibid.*, VI., 546.
[3] Conn. Col. Records, 1665-1677, 297, 482.
[4] *Ibid.*, 1715, 534.
[5] Plymouth Records, X., 451, 452.

Early Provisions for Indian Education.

It is noteworthy that, from the very earliest English settlements, attempts were made by the colonists to educate the Indians. These efforts took the ambitious form of schools and even colleges where the Indians were to have the same opportunities as the whites.

As early as the year 1619 the King had issued letters to the several bishops of the kingdom and set forth the value of such missionary work as follows: "As well for ye enlarging of our Dominions, as for the propagation of ye Gospel amongst Infidells, wherein there is good progresse made and hope of further increase; so as the undertakers of that plantation are now on hand with the erecting of some Churches and Schools for ye education of ye Children of those Barbarians, wch cannot but be to them a very great charge, and aboue the expence wch for ye civill plantation doth come to them. In wch wee doubt not but that you and all others who wish well to the encrease of the Christian Religion will be willing to give all assistance and furtherance you may, and therein to make experience of the zeale and deuotion of our well minded subjects especially those of ye Clergie."[1]

The sum of 1500 pounds was raised in this way.[2] In the same year, 1619, Sir Edwin Sandys, treasurer of the Company, urged the plan of founding a college in Virginia for the education of the English and Indian youth in common.[3] A committee was appointed, and it was agreed that 10,000 acres of land should be set aside for a "University at Henrico" near Richmond. One hundred men were to be sent to live on these lands and to cultivate them and receive as a compensation one-half of the profits. The other half was to be used for building, salaries of instructors, and maintenance of the pupils. A superintendent was sent from

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[1] Quoted in Perry, Hist. of American Colonial Church, 543.

[2] Stith, History of Va., 171.

[3] *Ibid.*, 163.

England. He was to have 300 acres set aside for his needs and to be assigned ten men to care for the tract. Among the other gifts was one of 550 pounds sterling for the education of Indian youth in English and in the Christian religion.

Two years later, 1621, 125 pounds were contributed for the purpose of establishing a church or a free school in Virginia. The greater amount of this sum was given by the East India Company.[1] It was determined to build a school at Charles City, to be known as the East India School. One thousand acres of land were set aside for the maintenance of the master and usher. The school planned was to rank as a seminary. The pupils were to pass when proficient to the college at Henrico. Carpenters were sent over the next year to erect buildings.

In 1622 the giver of the 550 pounds mentioned, proposed that some of the Indian boys be sent to England for their education. He desired that the sum given be used for that purpose, and promised to make the amount 1000 pounds as soon as eight Indian boys were brought to London. If the overseers did not approve, however, he further recommended that the original amount be expended upon a free school in Southhampton Hundred, where the English and the Indians were to be taught and brought up together. After "careful consultation," it was agreed to use this sum, together with a "far greater sum out of the Society's purse," to set up iron works where eighty men were to be employed.[2] The profits were ordered in a "ratable" proportion, to be employed in educating thirty Indian children.

These plans which promised so much were almost given up on account of the massacre of 1622. A bequest of 100 pounds was made that year for Indian education. The college lands were abandoned and a site was chosen lower down the river. There were no further public attempts for Indian education until the bequest was received which firmly established William and Mary College.

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[1] Stith, History of Va., 204.

[2] *Ibid.*, 215.

Efforts were made in the meantime to keep alive the idea of a college. In 1660 there was a renewed attempt to found an institution of learning.[1] Again in 1688 and 1689 some wealthy Virginians and English merchants subscribed 2500 pounds sterling to establish a college.[2] Governor Nicholson sent commissary Blair to England in 1691 to secure a college charter.[3] The following letter from the commissioner gives the method by which the attention of the Crown was called to the institution.[4] "It was Nov^{r} 12th, in the Council Chamber before the council sat. I was introduced by the Archbishop of Canterbury . . . . I kneeled down & said these words: please your majesty here is an humble supplication from the Government of Virginia for your Majesty's Charter to erect a free school & college for the education of their youth & so I delivered it into their hand. He answered, 'Sir I am glad that that colony is upon so good a design & I will promote it to the best of my power.'"

The charter was granted in 1693. It does not contain a definite provision for the education of Indians. Christian ministers were to be educated in order that the gospel might be sent to the "Western Indians."[5]

Previous to the formal organization under the charter, at which time the name of William and Mary College was first used, the King and Queen showed considerable interest in the project. In 1691 it was agreed by them that the college should be aided through the grants of (1) 1985 pounds sterling to be raised out of the quit rents of the colony; (2) one penny a pound on all tobacco exported from Virginia and Maryland; (3) 20,000 acres of land on York river.[6]

Through a provision of the executors of the estate of the

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[1] Hening's Statutes at Large, II., 25.

[2] Perry, Hist. American Col. Church, Va., 545.

[3] *Ibid.*, 3. [4] *Ibid.*, 6.

[5] History of William and Mary College, 1660-1874, 4.

[6] Perry, American Col. Church, 545. History of William and Mary College, 25.

Hon. Robert Boyle in the same year, Indian children were admitted to educational privileges. His will provided that the residue of the estate, after debts and legacies were paid, was to be used "for such charitable and pious uses" as the executors might think best. The latter agreed to purchase land to the amount of 5400 pounds sterling. The annual rents thereof were to be used for the maintenance and education of Indian pupils who should attend William and Mary College.

There was made an annual reservation of 90 pounds sterling, to be used to benefit the Indians of New England. For seven years thereafter Harvard University received this bequest. The Bishop of London then arranged to have this sum also pass to the College in Virginia for the assistance of Indian pupils.

Six masters were to be employed, and the sixth was to have charge of all Indians who should attend. The course of study arranged for them consisted of such work as would best fit them to become teachers and preachers among their own tribes. It was necessary of course to begin with the rudiments of knowledge. The Indians who were first received into the College were bought of other Indians who had held them as prisoners of war. Large portions of the amount given for Indian education were used first to buy the freedom of the Indian children. Governor Spotswood in a letter to the Council of Trade in 1711 proposed another plan. His method, which had not been favored by the authorities of the college, proposed that the children of the tributary Indians be "brought up" under the College influences. In pursuance of this idea, he urged upon the Council the necessity for providing a large fund for Indian education. He said the amount then available would be wholly inadequate for the maintenance of so large a body as would attend.[1] The governor, in a later letter, refers to the coming of hostages from all the tributary Indians. By

[1] Spotswood Letters, I., 121, 122.

sending their children the Indians escaped the payment of the tribute.

The House of Burgesses were indifferent to Indian education. A bill prepared by Governor Spotswood which proposed some slight assistance by the state to support these hostages was dismissed without discussion.[1] The following year, 1712, he asked aid of the Bishop of London in order to carry out the same plan.[2] By this letter it appears that there were twenty Indians in attendance at the College. They were pleased with the change of their condition, and their parents expressed satisfaction with the care given their children. In this letter the governor also urges a school-house and a "master" for each of the chief Indian towns.

Between 1700 and 1776, from eight to ten Indians were educated annually at the College. Some of them came a distance of four hundred miles.

While the primary idea in the Indian education in all the colonies was the inculcation of Christian principles, this religious object is most conspicuous in New England. Through the efforts of Edward Winslow, agent for the United Colonies, Parliament, in 1649, passed an act incorporating the "Society for propagating the Gospel in New England."[3] This society numbering sixteen persons, a president, a treasurer and fourteen assistants, was authorized to purchase real estate not to exceed 2000 pounds sterling in value per annum. Any money bestowed upon the Society was under the control of the Commissioners of the United Colonies or of such persons as they might select. These agents were privileged to use such gifts either for the spread of the gospel or to maintain "schools and nurseries of learning for the education of the children of the natives."

Harvard College received its charter from the commis-

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[1] Spotswood Letters, I., 135. [2] *Ibid.*, 174.

[3] Mass. Hist. Soc'y Colls., I., 212. Neal, Hist. New Eng., I., Chap. VI.

sioners in 1650. The following article of incorporation precedes the body of the charter:[1] "For all accommodations of buildings & all other nessessary provisions that may conduce to the education of ye English and Indian youth of this country in knowledge & godlynes, it is therefore ordered & enacted by this Courte & the authority thereof—." In compliance with the terms of this article the Massachusetts commissioners were directed to build, by means of certain funds sent from England, "one Intyre Rome att the College for the Conveniencye of Indian youthes to bee trained vp there according to the advise Received this yeare from the Corporation in England."[2] The original 120 pounds set aside for this purpose seems to have been increased, and a brick building, the first erected on Harvard grounds, was built.

Twenty Indian pupils were to be cared for in this "Indian College." A complete academic course was provided for them, after they had been trained in one of the preparatory schools. Very liberal were these earliest provisions for Indian education when we take into consideration the needs of the colonists themselves. The report of the commissioners for 1656 shows an expenditure of 1722 pounds sterling. A large part of this sum was used for teachers' salaries and to support the Indian children.[3] The report for 1658 indicates an outlay of 520 pounds,[4] and that of 1659,[5] "five hundred ninety-four pounds, largely for Indian education."[6]

The one conspicuous illustration of the untiring zeal manifested in civilizing the Indians in New England is presented in the person of John Eliot.[7] A graduate of Cambridge, he began his missionary efforts in 1746. His prodigious labors are referred to by all the historians of the

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[1] Mass. Col. Records, III., 195.

[2] Plymouth Col. Records, X., 107.

[3] *Ibid.*, 166.

[4] *Ibid.*, 205.

[5] *Ibid.*, 245, 246.

[6] For further reports see pp. 277, 278, 279, 317, 356.

[7] Mass. Hist. Soc'y Coll's, I., 172. The number of these Indians in 1674 was estimated at 4000.

period. The "Praying Indians" were organized by him under the protection of the English towns. For their benefit he translated the Bible, a grammar, primer, and an Indian catechism. He organized schools where Indian children were instructed in English, Latin and Greek.

By an order of the General Court of Connecticut in 1727, any person in the colony who had an Indian servant was directed to teach such servant to read English and to instruct him in the principles of the Christian faith.[1] The selectmen were ordered to make diligent inquiry with respect to the application of this act. Any master who neglected to perform this duty was fined 40 shillings. The money thus collected was used to support the school in the town where the fine was incurred.

It is noteworthy that Dartmouth College took its start as Moor's Charity School for Indians. One Sampson Occum, a christianized Indian, through his preaching in England, raised money sufficient to begin this work in behalf of his people. From a report on this college at Philadelphia we learn that in 1756 Indians had been admitted.[2]

There is little said in the colonial records with regard to the success or failure of the attempts to educate the Indian. Reports from the northern colonies show more satisfactory results than do those from Virginia. In their letter to the corporation in England, of September 7, 1659, the commissioners write as follows:[3] "There are five Indian youthes att Cambridge in the lattin schoole, whose diligence and proficiency in their studdies doth much encourage us to hope that God is fiting them and preparing them for good instruments in this great and desirable worke; wee have good testimony from those that are prudent and pious, that they are diligent in theire studdies and civell in theire carriage; and from the President of the Colledge; wee had this testimony in a letter directed to us the 23 of August

[1] Conn. Col. Records, VII., 102.
[2] Penna. Archives, 1756.
[3] Plymouth Col. Records, X., 217.

1659 in these words: the Indians in Mr. Corletts schoole were examined oppenly by myselfe att the publicke Commencement; concerning theire growth in the knowledge of the lattin tongue; and for theire time they gave good satisfaction to myselfe and also to the honored and Reverent Overseers."[1]

A letter of 1729 gives an idea of the progress of Indian education in Virginia. We select the following:[2] "Many children of our Neighboring Indians have been brought up in the College of William and Mary. They have been taught to read and write and have been carefully instructed in the Principles of the Christian Religion, til they came to be men. Yet after they return'd home, instead of civilizeing and converting the rest, they have immediately relapst into Infidelity and barbarism themselves. . . . Besides, as they unhappily forget all the good they learn and remember the Ill, they are apt to be more vicious and disorderly than the rest of their Countrymen." Governer Spotswood reported that the Indians held as hostages and sent to William and Mary College after their return to their people again "lapse into idolatry and barbarism."[3]

Many obstacles were encountered in the attempts to keep the Indian pupils long enough to complete the college or even the preparatory course. Indian superstition was one of the chief obstacles. Another difficulty was the natural indolence of the Indians. Dartmouth was early given up to the education of white pupils. There is but one Indian graduate on record at Harvard College. Many returned to their tribes before the completion of an educational course and rendered efficient service as teachers, guides, and carpenters.[4]

It was suggested even in Puritan days that the true way to aid the Indian was to go to him in his tribe and, by teaching

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[1] Byrd MSS., 1729, 74.

[2] History of William and Mary College, 43.

[3] Mass. Hist. Coll's, I., 172.

and good example, gradually lead him into the practical knowledge of better modes of living and of taking care of himself.

Indian Superintendence.

We find no general superintendence of the Indians in the various colonies prior to 1750, save that exercised by the governors with the advice and consent of the councils. The General Court of Massachusetts, however, allowed certain Indian villages to choose their own magistrates. These were to be approved by the Superior Court. This magistrate, together with an English magistrate, constituted a higher court, with jurisdiction like that of a County Court in England. Their control extended to civil and criminal cases, to lands set aside for the Indians, and to the maintenance and founding of schools. The question of home rulers, of continued recurrence in the English nation since its first crude attempts on behalf of the Indians, still remains unsettled. Such attempts have in the majority of instances been failures.

New York was the central colony. The influence of a policy adopted at Albany was tacitly accepted by the sister commonwealths. Sir William Johnson was appointed superintendent of Indian affairs.[1] He was well received by the Indians, and although he found a department which had been thoroughly disorganized under the rule of commissioners appointed by the governor, he was able to reduce the "chaos."[2] His services during his term of two years were disregarded, and commissioners again took control. General dissatisfaction was expressed until 1755 when Superintendent Johnson was permanently appointed.[3] This result was brought about through a meeting, in 1754, at Albany, of commissioners from six provinces.[4] From their proceedings we learn that each tribe was to have a resident agent, "who was to have no concern in the trade," and who

[1] N. Y. Col. Doc's, VII., 19. [2] *Ibid.*, VIII., 23. [3] *Ibid.*, VII., 19.
[4] Doc. Hist. N. Y., II., 356.

was to communicate with the Superintendent regarding a particular district. The Superintendent was, in turn, subject to advice from the Crown. Trade with the Indians was to be "well regulated and made subservient to public interest more than to private gain." No purchases of land were to be valid unless made by authority from the Indians in their "Public Councils," and all complaints with regard to illegal holding of lands were to be heard and "injuries redressed."

Among the plans submitted to Superintendent Johnson as a partial Indian policy, that of Secretary Wraxall previously referred to[1] is especially noteworthy.[2] Still more interesting is it, in that many of the provisions were utilized by the later English government, and traces may be seen in our present Indian policy. It was to be constituted a distinct service. A fixed fund was to be used for its support. There were to be two Superintendents for Indian affairs,[3] "persons of approved abilities, known integrity, and men agreeable to the Indians." One of the superintendents was to reside near the territory of the Iroquois, the other in South Carolina, from which positions they might have general supervision of the separate divisions. Superintendents were not to engage in trade. They were to hold all public meetings, issue presents, appoint interpreters and agents, and execute all laws regarding the Indian service.

English Relations from 1763 to 1775.

The effect of the French and Indian War was to cause a reorganization of the departments for diplomatic intercourse with the Indians on a wider basis. A superintendent was appointed for the Northern Colonies and one for the

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[1] See p. 30.

[2] N. Y. Col. Doc's, VII., 26.

[3] See American State Papers, V., 14, for congressional ordinance of August 7, 1786, which institutes two departments with the Ohio river as the boundary line. This was changed through the influence of John C. Calhoun, Secretary of War, 1818; Indian Superintendent to be under control of Secretary of War. American State Papers, VI., 182.

Southern. Their duties were to make all treaties between the tribes and the crown; see that their provisions were fully observed; prevent all wars between tribes that were allies of the king; prosecute encroachments upon Indian territory, and receive all lands that might be bought or surrendered. The plan, although it promised well, did not give satisfactory results. Superintendent Johnson commenting on it said: "The very different forms of government, interests, politics, disputes between the branches of Legislatures, defeat the hopes of a cordial union and render all hopes derived from scattered numbers very precarious if not wholly abortive."

Other causes of failure, reported by Superintendent Johnson, were:[1] (1) An unwillingness on the part of the colonial Assemblies to grant a sufficient sum for the conduct of Indian affairs within their limits; (2) Individuals were so engrossed in their own affairs as to care but little for the general weal, hence Indian wars; (3) The inherent defects in the laws applicable to the Indian. These laws had been in force since the landing of the first colonists, and because of different interpretations by the various colonies were no longer of much effect.

Had this warning by a competent authority been heeded, or had the weaknesses of the system he described been regarded, one of the prime causes for dispute between the central and state governments would have been removed. As it was, New York,[2] under the articles of confederation, seized the administration of Indian affairs as it slipped from the hands of the King's officers. North Carolina[3] extended her authority over the Cherokees within her limits. Georgia[4] did not cease to regard the Indians as her wards, notwithstanding the federal government thought them independent sovereign nations.

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[1] N. Y. Col. Doc's, VII., 971, 972.

[2] Journal of N. Y. Provincial Congress, 23, 24, 30, 169.

[3] 11 Journal of Congress, 121.

[4] Hildreth, U. S., III., 1st series.